

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JOHN BOESEN,

Plaintiff,

CASE NO. 08-11654

HON. LAWRENCE P. ZATKOFF

v.

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

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**ORDER TO REMAND IN PART**

Plaintiff filed his Complaint in the 46th Judicial District Court for the State of Michigan on March 19, 2008. Defendant timely removed the action to this Court on April 18, 2008, based on federal-question jurisdiction under 28 U.S.C. § 1331 and the Court's pendent jurisdiction. Plaintiff's Complaint contains the following two counts:

Count I	Fair Debt Collection Practices Act, 15 U.S.C. § 1692e; and
Count II	Michigan Collection Practices Act, Mich. Comp. Laws § 445.252 and Michigan Occupational Code, Mich. Comp. Laws § 339.915.

The Court has subject-matter jurisdiction over Count I because it arises under federal law. 28 U.S.C. § 1331. Count II, however, is based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See id.*; *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state-law claim (Count II) is hereby REMANDED to the 46th Judicial District Court for the State of Michigan. The Court retains jurisdiction over Plaintiff's federal claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: May 2, 2008

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 2, 2008.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290